

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

THOMAS GRADY LAYTON

§

VS.

§

CIVIL ACTION NO. 4:12cv610

PAULA SCHANDELMEIER, ET AL.

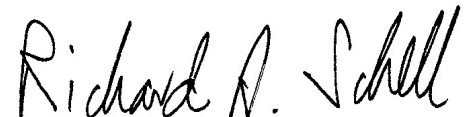
§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the court. It is therefore

ORDERED that Defendant Schandelmeier's Motion for Summary Judgment (docket entry #16) is hereby **GRANTED** and that Plaintiff's civil rights action is hereby **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to exhaust his administrative remedies and, therefore, failure to state a claim upon which relief may be granted. Any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this the 18th day of September, 2013.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE